9-2.000
AUTHORITY OF THE UNITED STATES ATTORNEY IN CRIMINAL DIVISION MATTERS/PRIOR APPROVALS

9-2.001

Introduction

The United States Attorney, within his/her district, has plenary authority with regard to federal criminal matters. This authority is exercised under the supervision and direction of the Attorney General and his/her delegates.

The statutory duty to prosecute for all offenses against the United States (28 U.S.C. § 547) carries with it the authority necessary to perform this duty. The United States Attorney is invested by statute and delegation from the Attorney General with the broadest discretion in the exercise of such authority.

The authority, discretionary power, and responsibilities of the United States Attorney with relation to criminal matters encompass without limitation by enumeration the following:

A. Investigating suspected or alleged offenses against the United States, *see* USAM 9-2.010;

B. Causing investigations to be conducted by the appropriate federal law enforcement agencies, *see* USAM 9-2.010;

C. Declining prosecution, *see* USAM 9-2.020;

D. Authorizing prosecution, *see* USAM 9-2.030;

E. Determining the manner of prosecuting and deciding trial related questions;

F. Recommending whether to appeal or not to appeal from an adverse ruling or decision, *see* USAM 9-2.170;

G. Dismissing prosecutions, *see* USAM 9-2.050; and

H. Handling civil matters related thereto which are under the supervision of the Criminal Division.

9-2.010 Investigations

The United States Attorney, as the chief federal law enforcement officer in his district, is authorized to request the appropriate federal investigative agency to investigate alleged or suspected violations of federal law. The federal investigators operate under the hierarchical supervision of their bureau or agency and consequently are not ordinarily subject to direct supervision by the United States Attorney. If the United States Attorney requests an investigation and does not receive a timely preliminary report, he may wish to consider requesting the assistance of the Criminal Division. In certain matters the United States Attorney may wish to request the formation of a team of agents representing the agencies having investigative jurisdiction of the suspected violations.

The grand jury may be used by the United States Attorney to investigate alleged or suspected violations of federal law. Unless circumstances dictate otherwise, a grand jury investigation should not be opened without consultation with the investigative agency or agencies having investigative jurisdiction of the alleged or suspected offense.

9-2.020 Declining Prosecution

The United States Attorney is authorized to decline prosecution in any case referred directly to him/her by an agency unless a statute provides otherwise. *See* USAM 9-2.111. Whenever a case is closed without prosecution, the United States Attorney's files should reflect the action taken and the reason for it.

9-2.021 Armed Forces Enlistment as an Alternative to Federal Prosecution

Present regulations of the Armed Services prohibit the enlistment of an individual against whom criminal or juvenile charges are pending or against whom the charges have been dismissed to facilitate the individual's enlistment. This policy is based, in part, on the premise that the individual who enlists under such conditions is not properly motivated to become an effective member of the Armed Forces.

Determination as to whether prosecution should be instituted or pending criminal charges dismissed in any case should be made on the basis of whether the public interest would thereby best be served and without reference to possible military service on the part of the subject. The Armed Forces are not to be regarded as correctional institutions and United States Attorneys are urged to give full cooperation to the Department of Defense in the latter's efforts to ensure a highly motivated all-volunteer Armed Forces and to bolster public confidence in military service as a respectable and honorable profession.

There may be exceptional cases in which imminent military service, together with other factors, may be considered in deciding to decline prosecution if the offense is trivial or insubstantial, the offender is generally of good character, has no record or habits of anti-social behavior, and does not require rehabilitation through existing criminal institutional methods, and failure to prosecute will not seriously impair observance of the law in question or respect for law generally. In no case, however, should the United States Attorney be a party to, or encourage, an agreement respecting foregoing criminal prosecution in exchange for enlistment in the Armed Services.

9-2.022 Pretrial Diversion as an Alternative to Federal Prosecution

A United States Attorney may consider Pretrial Diversion as an alternative to federal criminal prosecution. Pretrial Diversion is addressed in USAM 9-22.000.

9-2.030 Authorizing Prosecution

The United States Attorney is authorized to initiate prosecution by filing a complaint, requesting an indictment from the grand jury, and when permitted by law, by filing an information in any case which, in his or her judgment, warrants such action, other than those instances enumerated in USAM 9-2.120.

In arriving at a decision, the United States Attorney should consider the recommendations for prosecution of the specific offense set forth in the chapters discussing substantive offenses. The recommendations are instructive only and not mandatory.

9-2.031 Dual and Successive Prosecution Policy ("Petite Policy")

A. Statement of Policy. This policy establishes guidelines for the exercise of discretion by appropriate officers of the Department of Justice in determining whether to bring a federal prosecution based on substantially the same act(s) or transactions involved in a prior state or federal proceeding. *See Rinaldi v. United States*, 434 U.S. 22, 27, (1977); *Petite v. United States*, 361 U.S. 529 (1960). Although there is no general statutory bar to a federal prosecution where the defendant's conduct already has formed the basis for a state prosecution, Congress expressly has provided that, as to certain offenses, a state judgment of conviction or acquittal on the merits shall be a bar to any subsequent federal prosecution for the same act or acts. *See* 18 U.S.C. §§ 659, 660, 1992, 2101, 2117; *see also* 15 U.S.C. §§ 80a-36, 1282.

The purpose of this policy is to vindicate substantial federal interests through appropriate federal prosecutions, to protect persons charged with criminal conduct from the burdens associated with multiple

prosecutions and punishments for substantially the same act(s) or transaction(s), to promote efficient utilization of Department resources, and to promote coordination and cooperation between federal and state prosecutors.

This policy precludes the initiation or continuation of a federal prosecution, following a prior state or federal prosecution based on substantially the same act(s) or transaction(s) unless three substantive prerequisites are satisfied: first, the matter must involve a substantial federal interest; second, the prior prosecution must have left that interest demonstrably unvindicated; and third, applying the same test that is applicable to all federal prosecutions, the government must believe that the defendant's conduct constitutes a federal offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact. In addition, there is a procedural prerequisite to be satisfied, that is, the prosecution must be approved by the appropriate Assistant Attorney General.

Satisfaction of the three substantive prerequisites does not mean that a proposed prosecution must be approved or brought. The traditional elements of federal prosecutorial discretion continue to apply. *See Principles of Federal Prosecution*, USAM 9-27.110.

In order to insure the most efficient use of law enforcement resources, whenever a matter involves overlapping federal and state jurisdiction, federal prosecutors should, as soon as possible, consult with their state counterparts to determine the most appropriate single forum in which to proceed to satisfy the substantial federal and state interests involved, and, if possible, to resolve all criminal liability for the acts in question.

B. Types of Prosecution to which This Policy Applies. This policy applies only to charging decisions; it does not apply to pre-charge investigations. Yet, where a prior prosecution has been brought based on substantially the same act(s) or transaction(s), a subsequent federal investigation should, generally speaking, initially focus on evidence relevant to determining whether a subsequent federal prosecution would be warranted in light of the three substantive prerequisites previously listed.

Keeping in mind the distinction between charging decisions and precharge investigations, this policy applies whenever the contemplated federal prosecution is based on substantially the same act(s) or transaction(s) involved in a prior state or federal prosecution.

This policy constitutes an exercise of the Department's prosecutorial discretion, and applies even where a prior state prosecution would not legally bar a subsequent federal prosecution under the Double Jeopardy Clause because of the doctrine of dual sovereignty (*see Abbate v. United States*, 359 U.S. 187 (1959)), or a prior prosecution would not legally bar a subsequent state or federal prosecution under the Double Jeopardy Clause because each offense requires proof of an element not contained in the other. *See United States v. Dixon*, 509 U.S. 688 (1993); *Blockburger v. United States*, 284 U.S. 299 (1932).

This policy does not apply, and thus prior approval is not required, where the prior prosecution involved only a minor part of the contemplated federal charges. For example, a federal conspiracy or RICO prosecution may allege overt acts or predicate offenses previously prosecuted as long as those acts or offenses do not represent substantially the whole of the contemplated federal charge, and, in a RICO prosecution, as long as there are a sufficient number of predicate offenses to sustain the RICO charge if the previously prosecuted offenses were excluded.

This policy does not apply, and thus prior approval is not required, where the contemplated federal prosecution could not have been brought in the initial federal prosecution because of, for example, venue restrictions, or joinder or proof problems.

Please note that when there is no need for prior approval because this policy does not apply, all other approval requirements remain in force. One example of another approval requirement is the one requiring Criminal Division approval of all RICO indictments.

C. Stages of Prosecution at which Policy Applies. This policy applies whenever there has been a prior state or federal prosecution resulting in an acquittal, a conviction, including one resulting from a plea agreement, or a dismissal or other termination of the case on the merits after jeopardy has attached.

Once a prior prosecution reaches one of the above-listed stages this policy applies, and approval is required before a federal prosecution can be initiated or continued, even if an indictment or information already has been filed in the federal prosecution.

An exception occurs, and this policy does not apply, if the federal trial has commenced and the prior prosecution subsequently reaches one of the above-listed stages. When, however, a federal trial results in a mistrial, dismissal, or reversal on appeal, and, in the interim, a prior prosecution has reached one of the above listed stages, this policy applies.

D. Substantive Prerequisites for Approval of a Prosecution Governed by this Policy. As previously stated there are three substantive prerequisites that must be met before approval will be granted for the initiation or a continuation of a prosecution governed by this policy.

The first substantive prerequisite is that the matter must involve a substantial federal interest. This determination will be made on a case-by-case basis, applying the considerations applicable to all federal prosecutions. *See Principles of Federal Prosecution*, USAM 9-27.230. Matters that come within the national investigative or prosecutorial priorities established by the Department are more likely than others to satisfy this requirement.

The second substantive prerequisite is that the prior prosecution must have left that substantial federal interest demonstrably unvindicated. In general, the Department will presume that a prior prosecution, regardless of result, has vindicated the relevant federal interest. That presumption, however, may be overcome when there are factors suggesting an unvindicated federal interest.

The presumption may be overcome when a conviction was not achieved because of the following sorts of factors: first, incompetence, corruption, intimidation, or undue influence; second, court or jury nullification in clear disregard of the evidence or the law; third, the unavailability of significant evidence, either because it was not timely discovered or known by the prosecution, or because it was kept from the trier of fact's consideration because of an erroneous interpretation of the law; fourth, the failure in a prior state prosecution to prove an element of a state offense that is not an element of the contemplated federal offense; and fifth, the exclusion of charges in a prior federal prosecution out of concern for fairness to other defendants, or for significant resource considerations that favored separate federal prosecutions.

The presumption may be overcome even when a conviction was achieved in the prior prosecution in the following circumstances: first, if the prior sentence was manifestly inadequate in light of the federal interest involved and a substantially enhanced sentence -- including forfeiture and restitution as well as imprisonment and fines -- is available through the contemplated federal prosecution, or second, if the choice of charges, or the determination of guilt, or the severity of sentence in the prior prosecution was affected by the sorts of factors listed in the previous paragraph. An example might be a case in which the charges in the initial prosecution trivialized the seriousness of the contemplated federal offense, for example, a state prosecution for assault and battery in a case involving the murder of a federal official.

The presumption also may be overcome, irrespective of the result in a prior state prosecution, in those rare cases where the following three conditions are met: first, the alleged violation involves a compelling federal interest, particularly one implicating an enduring national priority; second, the alleged violation involves egregious conduct, including that which threatens or causes loss of life, severe economic or physical harm, or the impairment of the functioning of an agency of the federal government or the due administration of justice; and third, the result in the prior prosecution was manifestly inadequate in light of the federal interest involved.

The third substantive prerequisite is that the government must believe that the defendant's conduct constitutes a federal offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact. This is the same test applied to all federal prosecutions. *See Principles of Federal Prosecution*, USAM 9-27.200 *et seq*. This requirement turns on the evaluation of the admissible evidence that will be available at the time of trial. The possibility that, despite the law and the facts, the fact-finder may acquit the defendant because of the unpopularity of some factor involved in the prosecution, or because of the overwhelming popularity of the defendant, or his or her cause, is not a factor that should preclude a proposed prosecution. Also, when in the case of a prior conviction the unvindicated federal interest in the matter arises because of the availability of a substantially enhanced sentence, the government must believe that the admissible evidence meets the legal requirements for such sentence.

E. Procedural prerequisite for Bringing a Prosecution Governed by This Policy. Whenever a substantial question arises as to whether this policy applies to a prosecution, the matter should be submitted to the appropriate Assistant Attorney General for resolution. Prior approval from the appropriate Assistant Attorney General must be obtained before bringing a prosecution governed by this policy. The United States will move to dismiss any prosecution governed by this policy in which prior approval was not obtained, unless the Assistant Attorney General retroactively approves it on the following grounds: first, that there unusual or overriding circumstances justifying retroactive approval, and second, that the prosecution would have been approved had approval been sought in a timely fashion. Appropriate administrative action may be initiated against prosecutors who violate this policy.

F. Reservation and Superseding Effect: for Internal Guidance Only, No Substantive or Procedural Rights Created. This policy has been promulgated solely for the purpose of internal Department of Justice guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party in any matter, civil or criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the Department of Justice.

All of the federal circuit courts that have considered the question have held that a criminal defendant can not invoke the Department's policy as a bar to federal prosecution. *See, e.g., United States v. Snell*, 592 F.2d 1083 (9th Cir. 1979); *United States v. Howard*, 590 F.2d 564 (4th Cir. 1979); *United States v. Frederick*, 583 F.2d 273 (6th Cir. 1978); *United States v. Thompson*, 579 F.2d 1184 (10th Cir. 1978) (en banc); *United States v. Wallace*, 578 F.2d 735 (5th Cir. 1978); *United States v. Nelligan*, 573 F.2d 251 (5th Cir. 1978); *United States v. Hutul*, 416 F.2d 607 (7th Cir. 1969). The Supreme Court, in analogous contexts, has concluded that Department policies governing its internal operations do not create rights which may be enforced by defendants against the Department. *See United States v. Caceres*, 440 U.S. 471 (1979); *Sullivan v. United States*, 348 U.S. 170 (1954).

This policy statement supersedes all prior Department guidelines and policy statements on the subject.

9-2.040 Dismissal of Complaints

The United States Attorney may dismiss a criminal complaint without prior authorization from the Criminal Division except in the instances enumerated in USAM 9-2.145. However, Rule 48(a), Fed. R. Crim. P., requires leave of court for dismissal of a complaint, as discussed *infra*. *See also* USAM 9-27.000 (Principles of Federal Prosecution).

If the person charged in a complaint has been bound over for grand jury action, the complaint may be dismissed by the United States Attorney only by leave of court. A court may confer on the United States attorney a blanket authorization to dismiss complaints. If such authorization has not been given, leave of court to dismiss the complaint must be obtained in each particular case.

Whether leave of court is required to dismiss a complaint prior to the defendant being bound over for grand jury action has not been judicially settled. The United States Attorney must be governed by the interpretation of Fed. R. Crim. P. 48(a) given by the court in his district. The view that leave of court is not required to dismiss a complaint prior to the person charged being bound over is supported by the control over complaints given to judicial officers in Rules 4 and 5, Fed. R. Crim. P. Under those rules, a judicial officer may issue a warrant, may discharge a defendant, and may cancel an unexecuted warrant of arrest. It would seem, therefore, that the judicial officer can exercise a like control over a complaint prior to his decision to bind over the defendant and that leave of the court is not required.

9-2.041 Cancellation of Unexecuted Arrest Warrants

Care should be taken that the Marshal of the district is promptly informed by the United States Attorney of the dismissal of a complaint, whether by the court or a judicial officer, in order to facilitate cancellations of unexecuted arrest warrants as provided in Fed. R. Crim. P. 4(d)(4). Such notification is also important when a warrant of arrest is outstanding in connection with a detainer lodged against a defendant who is confined in another district. Since the warrant will have been forwarded by the Marshal of the district where it was issued to the Marshal in the district of detention, the warrant will have to be returned to the Marshal of the issuing district for cancellation by the judicial officer after the complaint has been dismissed.

9-2.050 Dismissal of Indictments and Informations

The United States Attorney may move for leave of court to dismiss an indictment or information, in whole or part, without prior authorization from the Criminal Division except in the instances enumerated in USAM 9-2.145. The United States Attorney may in any case request the views of the Criminal Division as to the dismissal of any indictment or information. Prior to dismissing an indictment the United States Attorney should consult with the referring department or agency, and also seek to obtain the views of the investigative agency involved in the matter.

Whenever the United States Attorney concludes that a dismissal is warranted, he should take prompt action to dismiss. However, an indictment should not be dismissed merely because the defendant is a fugitive.

Rule 48(a), Fed. R. Crim. P., requires leave of court for dismissal of an indictment or information by the United States Attorney. A dismissal by the United States Attorney may not be filed during the trial without the consent of the defendant. *See* Fed. R. Crim. P. 48(a). The court may decline leave to dismiss if the manifest public interest requires it. *See Rinaldi v. United States*, 434 U.S. 22 (1977); *United States v. Gonzalez*, 58 F.3d 459 (9th Cir.1995); *United States v. Welborn*, 849 F.2d 980 (5th Cir.1988); *United States v. Hamm*, 659 F.2d 624 (5th Cir.1981)(and cases therein).

In moving for leave to dismiss, the local practice should be followed. However, in cases of considerable public interest or importance where dismissal of the entire indictment or information is sought because of an inability to establish a *prima facie* case, a written motion for leave to dismiss should be filed explaining fully the reason for the request. The importance of the case is not to be measured simply by the punishment prescribed for the offense. If the case involves fraud against the government, bribery, or a similarly important matter, or if any other department or branch of the government is specially interested, it is recommended that the written form of motion be used.

Often it is desirable to dismiss actions against defendants committed to federal custody for psychiatric examination to determine competency to stand trial pursuant to 18 U.S.C. § 4241(d) and 18 U.S.C. § 4247(b), and against defendants found incompetent to stand trial until their competency is restored. The Bureau of Prisons and the appropriate Medical Center for Federal Prisoners should be given notice well in advance of such

dismissals and the provisions of Chapter 313 of Title 18 complied with. In cases involving dismissals of prosecution under 18 U.S.C. § 871, the Secret Service should be notified. In every case of a dismissal, the file should reflect the reasons for the dismissal. *See also* Principles of Federal Prosecution, USAM 9-27.000.

9-2.060 Appeals, Mandamus, Stays, Rehearing, Certiorari

The authority of the United States Attorney with relation to appeals is set forth in USAM 9-2.170. *See also* USAM Title 2.

9-2.100 Limitations on United States Attorneys

Limitations on actions of the United States Attorney in criminal matters assigned to the Criminal Division are imposed by statutes and by policies of the Department. The statutory limitations are listed in USAM 9-2.111 and 9-2.112. The policy limitations are listed in USAM 9-2.120.

9-2.101 American Bar Association Standards for Criminal Justice

The American Bar Association Standards for Criminal Justice have not been adopted as official policy by the Department; however, since the courts utilize the Standards in determining issues covered by them, it is recommended that all United States Attorneys familiarize themselves with them. The ABA Standards for Criminal Justice, Table of Standards, Second Edition can be found in the Advance Sheets of the Federal Reporter, Third Series.

9-2.110 Statutory Limitations -- Generally

Certain statutes impose limitations on the authority of the United States Attorney to decline prosecution, to prosecute, and to take certain actions relating to the prosecution of criminal cases.

9-2.111 Statutory Limitations -- Declinations

If a judge, receiver, or trustee in a case under Title 11, United States Code, has reported to the United States Attorney that he/she believes a violation of Chapter 9, Title 11, United States Code, or other laws of the United States relating to insolvent debtors, receiverships, or reorganization plans has been committed, or that an investigation should be had in connection therewith, 18 U.S.C. § 3057(a), the United States Attorney, if he/she decides upon inquiry and examination that the ends of public justice do not require investigation or prosecution, must report the facts to the Attorney General for his/her direction, 18 U.S.C. § 3057(b). The report of the United States Attorney should be sent to the Criminal Division, Fraud Section. *See* USAM 9-41.010 (Bankruptcy Fraud).

Only the Assistant Attorney General, Criminal Division, the Deputy Attorney General, or the Attorney General can authorize a declination of a prosecution for national security reasons. Classified Information Procedures Act, 18 U.S.C. App. (Supp. V 1981). Accordingly, the Internal Security Section, Criminal Division, is to be consulted in any case in which there is a possibility that prosecution may be declined for national security reasons. *See* USAM 9-90.020 (National Security Matters: Prior Approval, Consultation, and Notification Requirements).

United States Attorneys may not decline to prosecute violations of 50 U.S.C. App. 462(a) involving the failure to register with the Selective Service System without prior notification to the Criminal Division (Office

of Enforcement Operations). Such notification is necessitated by the requirement of 50 U.S.C. App. § 462(c) that the Department "advise the [Congress] in writing the reasons for its failure" to bring such prosecutions. *See* USAM 9-79.400 (Failure to Register with the Selective Service System).

9-2.112 Statutory Limitations -- Prosecutions

No prosecution of an offense described in 18 U.S.C. § 245 (Federally Protected Activities) may be undertaken by the United States except upon the certification of the Attorney General or Deputy Attorney General that in his or her judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice. *See* USAM 9-85.200. The function of certification may not be delegated. *See* 18 U.S.C. § 245(a)(1). The anti-riot provision, 18 U.S.C. § 245(b)(3), and violations of 18 U.S.C. § 245(b)(1), insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin, are assigned to the Criminal Division and requests for certification relating to them should be sent to the Criminal Division. Formerly, prosecutions under 42 U.S.C. §§ 2272-2276 (Atomic Energy Act) might be brought only after receiving the express direction of the Attorney General. *See* 42 U.S.C. § 2271(c).

Violations of 18 U.S.C. § 1073 (Flight to Avoid Prosecution or Giving Testimony) may be prosecuted only upon formal approval in writing by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General. Accordingly, under no circumstances should an indictment under the Act be sought, nor an information be filed, nor should criminal proceedings under Rule 40, Federal Rules of Criminal Procedure be instituted without the written approval of the Assistant Attorney General, Criminal Division. Requests for written approval to prosecute should be forwarded to the Terrorism and Violent Crime Section. *See* USAM 9-69.460. This approval requirement also applies to cases involving custody disputes. *See* USAM 9-69.421.

Prosecution for violations of 18 U.S.C. § 659 (Theft from Interstate Shipments) and of 18 U.S.C. § 2102 (Riots) are barred if there has been a judgment of conviction or acquittal on the merits under the law of any State for the same act or acts. *See* 18 U.S.C. §§ 659, 2101(c). That a Federal prosecution for violation of 18 U.S.C. § 659 was initiated prior to the commencement of the State prosecution did not prevent dismissal of the Federal indictment when a State trial on a larceny charge resulted in acquittal before a defendant was retried on the Federal indictment following a remand from the Court of Appeals. *See United States v. Evans*, (D.N.J. November 19, 1968) (DJ 15-48-368). The Solicitor General decided no appeal should be taken not because of 18 U.S.C. § 659 but because of the policy against dual prosecution. *See* USAM 9-2.031 (Petite Policy).

9-2.120 Policy Limitations -- Generally

Department of Justice and Criminal Division policies impose limitations on the authority of the United States Attorney to decline prosecution, to prosecute, and to take certain actions relating to the prosecution of criminal cases. These policy limitations are discussed throughout the United States Attorneys' Manual, with a centralized listing contained in 9-2.400 et seq.

With regard to policy limitations, if in the opinion of the United States Attorney the exigencies of the situation prevent compliance with a policy, he/she shall take the action deemed appropriate. He/she shall promptly report to the Criminal Division the deviation from policy, or if the policy is established by a higher authority, report to that authority and be guided by the instructions furnished him/her. A written report of the deviation should be promptly made. Approval of the action of the United States Attorney or his/her taking action as instructed shall be deemed, for all purposes, to be compliance with the policy. Among the purposes of this language is to ensure that criminals do not escape prosecution by inaction on the part of a United States Attorney immobilized by

policy; to require a report of deviation from policy in order that the policy may be evaluated; and to express confidence in the judgment, and to reaffirm the authority, of the United States Attorney in such a situation.

If the United States Attorney discovers that a policy of the Division or of a higher authority has not been followed because of inadvertence, he/she shall promptly notify the Division or higher authority of the deviation from policy by the most expeditious means and subsequently in writing. He/she shall be guided by the instructions furnished him/her. Approval of the action of the United States Attorney, or his/her taking action as instructed shall be deemed, for all purposes, to be compliance with the policy.

In the instances when the United States Attorney is directed to consult with the Division prior to taking an action, such consultation will typically be by an Assistant United States Attorney with an attorney of the section assigned responsibility for the statute or matter involved. *See* USAM 9-4.000. If there is a disagreement at this level, the matter should be resolved by appropriate higher authority before the disputed action is taken.

9-2.131 Matters Assumed by Criminal Division or Higher Authority

If primary prosecutorial responsibility for a matter has been assumed by the Criminal Division or higher authority, the United States Attorney shall consult with the persons having primary responsibility before conducting grand jury proceedings, seeking indictment, or filing an information.

9-2.136 Investigative and Prosecutive Policy for International Terrorism Matters

Faced with the growing threat of international terrorism and in order to implement this nation's obligations under various international conventions designed to prevent and punish acts of terrorism, Congress has enacted significant new legislation to expand the jurisdiction of the United States to investigate and prosecute terrorist activities occurring outside the territorial jurisdiction of the United States. In view of the greatly expanding Federal criminal jurisdiction over international terrorist incidents and the obvious need to ensure a well-coordinated Federal response to such incidents, the following policy is established in regard to terrorist acts committed outside the territorial jurisdiction of the United States over which Federal criminal jurisdiction exists. No United States Attorney is to initiate a criminal investigation, commence grand jury proceedings, file an information or complaint, or seek the return of an indictment in matters involving overseas terrorism without the express authorization of the Assistant Attorney General of the Criminal Division. Overseas terrorist situations will undoubtedly entail coordination with one or more foreign governments and such coordination is best accomplished by and through the Department in consultation with the Department of State. Moreover, the uncertainty of venue for Federal crimes committed overseas (*see* 18 U.S.C. § 3238) requires a coordinated prosecutive response.

Communications from the United States Attorney requesting the necessary authorization for international terrorism matters shall be directed to the Terrorism and Violent Crime Section (TVCS) ((202) 514-0849). After business hours, the Chief of the Section, James Reynolds, can be reached by calling the Command Center of the Department of Justice at (202) 514-5000. If there is any question about whether the matter involves international terrorism, all doubt should be resolved in favor of consultation with TVCS. If the substantive offense is within the area of responsibility of another Section of the Criminal Division (e.g., Arms Export Control Act - Internal Security Section), TVCS will coordinate the matter with that Section.

Listed below are the key statutes which represent the intent of Congress to expand the jurisdiction of the United States to investigate and prosecute terrorist activities that occur, in whole or part, outside the territory of the United States. The statutes describe various Federal criminal offenses (including conspiracy, 18 U.S.C. §§

371, 1117) that overseas terrorists may commit. While some violations of these statutes may occur within the United States, if the violation relates to international terrorism, it is encompassed by the policy set forth above. The offenses governed by this policy include:

1. Aircraft Piracy and Related Offenses (49 U.S.C. §§ 46501-07)
2. Aircraft Sabotage (18 U.S.C. § 32)
3. Violence at International Airports (18 U.S.C. § 37)
4. Crimes Against Immediate Family of All Federal Officials (18 U.S.C. § 115)
5. Crimes Against Internationally Protected Persons (18 U.S.C. §§ 112, 878, 1116, 1201(a)(4))
6. Crimes Against Select United States Officials (18 U.S.C. §§ 111, 351, 1114, 1201(a)(5), 1751)
7. Murder-for-Hire (18 U.S.C. § 1958)
8. Crimes Committed Within the Special Maritime Jurisdiction of the United States (18 U.S.C. §§ 7, 113, 114, 1111, 1112, 1201, 2031, 2111)
9. Sea Piracy (18 U.S.C. § 1651)
10. Violence against Maritime Navigation and Maritime Fixed Platforms (18 U.S.C. §§ 2280, 2281)
11. Hostage Taking (18 U.S.C. § 1203)
12. Terrorist Acts Abroad Against United States Nationals (18 U.S.C. § 2332)
13. Terrorism Transcending National Boundaries (18 U.S.C. § 2332b)
14. Conspiracy Within the United States to Murder, Kidnap, or Maim Persons or to Damage Certain Property Overseas (18 U.S.C. § 956)
15. Providing Material Support to Terrorists (18 U.S.C. § 2339A)
16. Providing Material Support to Designated Terrorist Organizations (Fundraising) (18 U.S.C. § 2339B)
17. Use of Biological, Nuclear, Chemical or Other Weapons of Mass Destruction (18 U.S.C. §§ 175, 831, 2332c, 2332a)
18. International Traffic in Arms Regulations
19. Genocide (18 U.S.C. § 1091)
20. Torture (18 U.S.C. § 2340A)

9-2.145 Dismissals

Criminal Division approval is required before dismissing, in whole or in part, an indictment, information, or complaint if prior approval was required before seeking an indictment or filing an information or complaint.

The above mentioned approval is not a direction but rather an authorization to dismiss if, in the opinion of the United States Attorney, this course is advisable. United States Attorneys must satisfy themselves that the conditions upon which dismissals are authorized have been complied with.

9-2.154 Legislative Proposals by United States Attorneys

The Criminal Division is interested in obtaining the benefit of any suggestions by United States Attorney or their Assistants for changes in federal statutory law, or rules, affecting criminal prosecutions. Accordingly,

United States Attorneys and Assistant United States Attorneys are encouraged to develop such proposals and to forward them for initial consideration to the Office of Policy and Legislation. The suggestions for changes in rules and legislation may also be submitted concurrently to the Legislation and Public Policy Subcommittee of the Attorney General's Advisory Committee of United States Attorneys. Suggested legislative changes should be submitted concurrently to the Office of Legislative Affairs.

United States Attorneys and their staffs are reminded that all suggestions for changes in federal criminal statutes must be communicated to the Department of Justice and not to Congress directly. Unsolicited communication to Congress of individual proposals for legislation, outside proper official channels, has the potential to cause grave embarrassment to the Department and, however well motivated, is contrary to Department policy. *See also*, 18 U.S.C. § 1913. *See also* USAM 1-8.000 (Relations with the Congress).

9-2.155 Sensitive Matters

The United States Attorney should keep the Criminal Division apprised of all developments in sensitive criminal matters, particularly those which may generate questions to the Criminal Division or higher authority. *See also* USAM 1-10.210, Urgent Reports.

9-2.159 Refusal of Government Departments and Agencies to Produce Evidence

It is the responsibility of the Department of Justice to enforce the law vigorously and it cannot abdicate this duty because of possible embarrassment to other agencies of the government. Situations may arise where substantial reasons of national security, foreign policy or the like may require the Department to abandon an investigation, forego litigation, or seek dismissal of a case. However, such action should be taken only after the most careful consideration of all of the relevant facts and then only with the personal approval of the Assistant Attorney General (AAG) in charge of the Division having responsibility for the case.

Accordingly, all United States Attorneys handling cases in which another government agency refuses to produce records or witnesses necessary for successful litigation of the case are directed to proceed in the following manner:

A. In no event should the United States Attorney accept the opinion or representation of the agency that such records or witnesses cannot be made available without determining all of the specific facts upon which the agency relies to support its refusal.

B. If the United States Attorney is not satisfied that the facts justify the refusal, he/she should so advise the agency and seek to procure the evidence requested of the agency.

C. If the United States Attorney concurs that there are sufficient and valid reasons to support the agency's refusal to produce the necessary evidence, he/she should advise the AAG in charge of the division having jurisdiction over the subject matter of the case of his/her conclusion. That AAG, after consultation with the Deputy Attorney General, will authorize the United States Attorney, if necessary and appropriate, to terminate the investigation, forego the litigation, or dismiss the case. A full statement of the facts supporting the conclusion of the United States Attorney should be set forth in the correspondence to the appropriate AAG.

The United States Attorney should also apprise the appropriate AAG of any incidents coming to his/her attention where he/she believes any agency of the federal government is not cooperating in his/her efforts to obtain the full disclosure of the facts to enable him/her to make an intelligent judgment as to whether the agency's refusal to produce requested evidence is justified.

9-2.170 Decision to Appeal and to File Petitions in Appellate Courts

A. Approval Requirements. 28 C.F.R. § 0.20(b) provides that the Solicitor General has the authority to "[d]etermine whether, and to what extent, appeals will be taken by the Government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs)." The following actions must be approved:

1. Any appeal of a decision adverse to the government, including an appeal of an order releasing a charged or convicted defendant or a request to seek a stay of a decision adverse to the government.

2. A petition for rehearing that suggests rehearing en banc -- and any rare appeal in which the government wishes to suggest that it be heard initially en banc. *See* Fed. R. App. P. 35(c). Although a petition for panel rehearing does not require the approval of the Solicitor General, one should not be filed until the Solicitor General has been given the opportunity to decide whether the case merits en banc review.

3. A petition for mandamus or other extraordinary relief.

4. In a government appeal, a request that the case be assigned to a different district court judge on remand.

5. A request for recusal of a court of appeals judge.

6. A petition for certiorari. (NOTE: 28 C.F.R. § 0.20(a) provides that the Solicitor General shall supervise all Supreme Court cases, "including appeals, petitions for and in opposition to certiorari, briefs and arguments, and settlement thereof." Accordingly, in criminal cases, only the Solicitor General petitions for certiorari or responds to petitions for certiorari).

B. Reporting Requirements. United States Attorneys' Offices (USAOs) should report all adverse, appealable district court decisions to the Appellate Section (including adverse 28 U.S.C. § 2255 habeas rulings, coram nobis rulings, and forfeiture rulings). USAOs need only report adverse district court Sentencing Guidelines decisions if they wish to obtain authorization to appeal that decision. Other adverse sentencing decisions should be reported.

USAOs should report every published court of appeals' decision that is adverse to the government in any respect. They should report any unpublished court of appeals' decision that affirms a district court decision that the government appealed. They should report any unpublished court of appeals' decision that they believe merits rehearing en banc or certiorari.

Before confessing error in a court of appeals, USAOs should consult with the Appellate Section. USAOs should also consult with the Appellate Section before taking a position that may be inconsistent with the government's position in another case.

USAOs should report every adverse decision as soon as possible, especially adverse court of appeals' decisions, since the government generally has 14 days to approve, draft, and file a rehearing petition if no extension is obtained.

C. Timing of Appeals and Rehearing Petitions. The government has 30 days from the date of judgment or 10 days from the filing of any defendant's notice of appeal to file a notice of appeal. *See* Federal Rule of Appellate Procedure 4. A timely filed motion for reconsideration (that is, one filed within 30 days after judgment) extends the time for filing a notice of appeal until 30 days after the denial of the motion. The time for filing a notice of appeal is otherwise not subject to extension and is jurisdictional. For a Notice of Appeal form, see the Criminal Resource Manual at 22.

The government has 60 days to file a notice of appeal from an adverse § 2255 habeas or in rem forfeiture decision.

A protective notice of appeal should not be filed without notifying the Appellate Section. If a protective notice of appeal is filed and a briefing schedule is issued before authorization to appeal is obtained, notify the

Appellate Section of the briefing schedule as soon as possible. In cases involving Sentencing Guidelines appeals, notify the Appellate Section before filing any document other than a protective notice of appeal, so that approval of the Solicitor General may be obtained.

Federal Rule of Appellate Procedure 40 requires a party to file a petition for rehearing within 14 days of the court of appeals' judgment. In those instances in which the Appellate Section has not been advised of an adverse court of appeals' decision in a timely fashion, USAOs should protect the time to petition for rehearing by filing a motion requesting an extension of 30 days to petition for rehearing. Even when the Appellate Section has been timely advised of an adverse court of appeals' decision, the Appellate Section may ask the USAO to seek a 30-day extension of time within which to petition for rehearing in order to allow the Solicitor General time to review the case. Most circuits will grant the government a 30-day extension of time to file a petition for rehearing. For a form Petition for Rehearing Extension, see the Criminal Resource Manual at 23.

Motions for extensions of time to file a rehearing petition must be received by the court on or before the date the rehearing petition is due. Similarly, rehearing petitions must be received on or before the date they are due. Mailing by the due date is insufficient to constitute timely filing.

The government has 90 days from the date of the court of appeals' decision or an order denying a timely petition for rehearing to file a petition for a writ of certiorari.

D. Obtaining Authorization to Appeal and Petition for Rehearing. To obtain authorization to appeal, the United States Attorney should send the following materials to the Appellate Section:

- A memorandum setting forth reasons for the appeal;
- The order or opinion of the district court;
- Related motions or memoranda and relevant transcripts if available; and
- In sentencing appeals, the presentence report and the judgment and commitment order.

To obtain authorization to file a petition for rehearing with suggestion for rehearing en banc, the United States Attorney should send the following materials to the Appellate Section:

- The opinion of the court of appeals;
- The briefs filed by both parties in the court of appeals; and
- A memorandum setting forth reasons justifying the filing of a petition for rehearing with suggestion for rehearing en banc.

Materials should be sent to the following addresses:

By mail:
Appellate Section
Criminal Division
P.O. Box 899
Ben Franklin Station 10th St. & Pennsylvania Ave., N.W.
Washington, D.C. 20044

By overnight courier:
Appellate Section
Criminal Division
Room 2266, Main Justice Bldg.
Washington, D.C. 20530

E. Standards for Authorization. United States Attorneys' Offices are encouraged to consult with the Appellate Section if they have any question as to whether a case is appropriate for appeal or rehearing. **F. The Authorization Process.** After receiving the United States Attorney's request for authorization to seek further review, an Appellate Section attorney writes a memorandum containing a recommendation to the Solicitor General. If the Appellate Section agrees with the United States Attorney, then the United States Attorney's and the Appellate Section's recommendations are forwarded to the Solicitor General.

If the Appellate Section disagrees with the United States Attorney, a Deputy Assistant Attorney General in the Criminal Division reviews the Appellate Section's and United States Attorney's recommendations before they are sent to the Solicitor General.

Whenever further review is sought, an Assistant to the Solicitor General reviews the United States Attorney's and Appellate Section's recommendations and writes a memorandum containing the Assistant's recommendation to the Solicitor General. The Deputy Solicitor General then reviews all of the recommendations and writes another memorandum to the Solicitor General (except for sentencing guidelines cases, which go directly to the Solicitor General after review by an assistant). The Solicitor General personally determines whether to authorize every appeal and petition for rehearing with suggestion for rehearing en banc.

See the Criminal Resource Manual at 21 for Appellate Section Contacts.

Appeals are also discussed in USAM Title 2.

9-2.173 Arrest of Foreign Nationals

Where nationals of foreign countries are arrested on charges of Federal criminal violations, the United States Attorney has the responsibility to ensure that the treaty obligations of the United States concerning notification of the consular officer of the country of which the arrested person is a national are observed. The procedure to be followed when the arrest is by an officer of the Department of Justice is specified in 28 C.F.R. § 50.5.

Certain treaties require that the consular official be notified of the arrest of one of his/her nationals only upon the demand or request of the foreign national. Other treaties require notifying the consul of the arrest of a national of his/her country whether or not the arrested person requests such notification. If the foreign national arrested on Federal criminal charges is a member of the consular staff or the consul himself/herself, special obligations are imposed by certain treaties.

Information concerning the treaty obligations of the United States in the event of the arrest of a foreign national, a consul, or member of the consular staff may be obtained from the Criminal Division by calling the Office of International Affairs.

9-2.180 Strike Forces

Organized Crime Strike Force Units (OCSFU's) within specified United States Attorneys' Offices, operate under the provisions of Attorney General Order No. 1386-89 (December 26, 1989). The OCSFU's have the responsibility of supervising and prosecuting cases against criminal enterprises operating in or affecting the United States as identified by the Attorney General through the Attorney General's Organized Crime Council (Council).

The term "organized crime," applies herein to criminal groups that usually are structured and engage in repeated illegal activities over an extended period of time for profit within the United States.

9-2.181 Organized Crime Strike Force Unit Duties

The Organized Crime and Racketeering Section of the Criminal Division has the responsibility for ensuring that Organized Crime Strike Force Unit (OCSFU) cases are properly indicted and prosecuted. OCFSUs shall submit case initiation reports and prosecution memoranda and proposed indictments for approval and report significant developments to the Organized Crime and Racketeering Section. The Section must review and process all matters in organized crime cases that require the approval of the Assistant Attorney General of the Criminal Division or higher official, including immunities and electronic surveillance authorizations, as well as witness

protection requests, plea dispositions, and appeals. Each OCFSU shall promptly advise the Section of all significant developments in a case, including the filing of indictments, significant pleadings, convictions, dismissals, acquittals, and impositions of sentences. The OCFSUs shall submit to the Section final copies of indictments as filed, daily reports on significant case developments, updated statistical data, and such other information as Section procedures require.

9-2.182 Organized Crime Strike Force Unit Strategic Plans

Every two years each Organized Crime Strike Force Unit shall submit to the Attorney General's Organized Crime Council a strategic plan identifying and assessing organized crime conditions within its district. This strategic plan shall be prepared in consultation with all appropriate Federal and local enforcement agencies.

9-2.183 Organized Crime Strike Force Unit Personnel

Personnel allocations in each Organized Crime Strike Force Unit (OCSFU) shall remain at least at levels established in December 1989. The personnel in each OCFSU shall work exclusively on organized crime matters. Personnel assigned to the OCFSU cannot work on other matters without the permission of the Assistant Attorney General of the Criminal Division. Selections by the United States Attorney for the position of Chief of the OCSFU and for any other OCSFU attorney position and the transfer of an attorney from an OCSFU requires the concurrence of the Assistant Attorney General of the Criminal Division.

9-2.200 Release of Information -- Press Information and Privacy

See USAM 1-7.100 and 28 C.F.R. § 50.2 for the Department's policy regarding the release of information to the news media or public relating to criminal or civil proceedings.

9-2.400 Prior Approvals Chart

USAM SECTION	TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	CONTACT
9-2.031	Approval is required to continue and/or initiate a federal prosecution affected by Petite policy (dual and successive prosecution).	Assistant Attorney General, Criminal Division, through the Witness Immunity Unit of the Office of Enforcement Operations.
9-2.136	No U.S. Attorney is to initiate a criminal investigation, commence grand jury proceedings, file an information or complaint, or seek the return of an indictment in matters involving overseas terrorism without the express authorization of the Assistant Attorney General of Criminal	Assistant Attorney General, Criminal Division, through Terrorism and Violent Crime Section

	*Division. The statutes listed below describe various Federal criminal offenses that overseas terrorists may commit. While some violations of these statutes may occur within the United States, if the violation relates to international terrorism, it is encompassed by the policy set forth above. The offenses governed by this policy include:	
9-2.136	*1) Aircraft Piracy and related offenses. 49 U.S.C. § 46502(b). See also USAM 9-63.181.	*Attorney General, through Terrorism and Violent Crime Section, Criminal Division
9-2.136	*2) Aircraft Sabotage. 18 U.S.C. § 32(b). See also USAM 9-63.221.	*Attorney General, through Terrorism and Violent Crime Section, Criminal Division

USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	* CONTACT
9-2.136	*3) Violence at International Airports. 18 U.S.C. § 37	*Terrorism and Violent Crime Section, Criminal Division
9-2.136	*4) Crimes against immediate family of a high ranking Federal Official. 18 U.S.C. § 115. See also USAM 9-65.900.	*Terrorism and Violent Crime Section, Criminal Division
9-2.136	*5) Crimes against Internationally Protected Persons. 18 U.S.C. § 112, 878, 1116. 1201(a)(4); USAM 9-65.800 et seq.	*Terrorism and Violent Crime Section, Criminal Division
9-2.136	*6) Crimes against Select United States Officials. 18 U.S.C. §§ 111, 351, 1114, 1201(a)(5),1751; USAM 9-65.100, 300, 600, 700	*Terrorism and Violent Crime Section, Criminal Division
9-2.136	*7) Murder for Hire. 18 U.S.C. § 1958 USAM 9-60.900 et seq.	*Terrorism and Violent Crime Section, Criminal Division
9-2.136	*8) Crimes committed within the Special Maritime Jurisdiction of the United States.	*Terrorism and Violent Crime Section, Criminal Division

	*18 U.S.C. §§ 7, 113, 114, 1111,	*
	*1112, 2031, 1201, 2111; USAM	*
	*9-20.100 et. seq.	*
9-2.136	*9) Sea Piracy. 18 U.S.C. § 1651	*Terrorism and Violent
	*	*Crime Section,
	*	*Criminal Division
9-2.136	*10) Violence Against Maritime	*Terrorism and Violent
	*Navigation and Maritime Fixed	*Crime Section,
	*Platforms. 18 U.S.C. §§ 2280,	*Criminal Division
	*2281	*
9-2.136	*11) Hostage Taking.	*Terrorism and Violent
	*18 U.S.C. § 1203; USAM 9-60.700	*Crime Section,
	*	*Criminal Division
9-2.136	*12) Terrorist Acts abroad	*Terrorism and Violent
	*against United States	*Crime Section,
	*Nationals. 18 U.S.C. § 2331	*Criminal Division
9-2.136	*13) Terrorism Transcending	*Terrorism and Violent
	*National Boundaries.	*Crime Section,
	*18 U.S.C. § 2332b	*Criminal Division

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-2.136	*14) Conspiracy with the United	*Terrorism and Violent
	*States to Murder, Kidnap, or	*Crime Section,
	*Maim Persons or to Damage	*Criminal Division
	*Certain Property Overseas.	*
	*18 U.S.C. § 956	*
9-2.136	*15) Providing Material Support	*Terrorism and Violent
	*to Terrorists.	*Crime Section,
	*18 U.S.C. § 2339A	*Criminal Division
9-2.136	*16) Providing Material Support	*Terrorism and Violent
	*to Designated Terrorist	*Crime Section,
	*Organizations (Fundraising).	*Criminal Division
	*18 U.S.C. § 2339B	*
9-2.136	*17) Use of Biological,	*Terrorism and Violent
	*Nuclear, Chemical or Other	*Crime Section,
	*Weapons of Mass Destruction.	*Criminal Division
	*18 U.S.C. §§ 175, 831, 2332c,	*
	*2332a	*
9-2.136	*18) International Traffic in	*Internal Security
	*Arms Regulations. See	*Section, Criminal
	*22 U.S.C. § 2778; USAM 9-90.620.	*Division

9-2.136	*19) Genocide. 18 U.S.C. § 1091	*Terrorism and Violent Crime Section, Criminal Division
9-2.136	*20) Torture. 18 U.S.C. § 2340A	*Terrorism and Violent Crime Section, Criminal Division
9-2.145	*Approval to dismiss any charge or reduce any charge for which approval was necessary to indict or file an information or complaint.	*Assistant Attorney General, Criminal Division through the Section having jurisdiction of the Offense
9-2.154	*Legislative proposals should be forwarded for consultation.	*Office of Legislative Affairs
9-2.159	*Approval to dismiss case based on agency refusal to produce documents.	*Assistant Attorney General, Criminal Division

USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	* CONTACT
9-2.170	*Prior approval is required of the following appeals, requests, or petitions: * *1) Any appeal of a decision adverse to the government, including an appeal of an order releasing a charged or convicted defendant or a request to seek a stay of a decision adverse to the government. * *2) A petition for rehearing that suggests rehearing en banc--and any rare appeal in which the government wishes to suggest that it be heard initially en banc. See Fed. R. App. P. 35(c). Although a petition for panel rehearing does not require the approval	*Solicitor General, through Appellate Section, Criminal Division

	*of the Solicitor General, one	*
	*should not be filed until the	*
	*Solicitor General has been	*
	*given the opportunity to	*
	*decide whether the case merits	*
	*en banc review.	*
	*	*
	*3) A petition for mandamus or	*
	*other extraordinary relief.	*
	*	*
	*4) In a government appeal, a	*
	*request that the case be	*
	*assigned to a different	*
	*district court judge on	*
	*remand.	*
	*	*
	*5) A request for recusal of a	*
	*court of appeals judge.	*
	*	*
	*6) A petition for certiorari	*
	*(only the Solicitor General	*
	*may file petitions for	*
	*certiorari).	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-2.170	*Notification is required of	*Appellate Section,
	*all adverse, appealable	*Criminal Division
	*district court decisions	*
	*(including adverse 28 U.S.C. §	*
	*2255 habeas rulings, coram	*
	*nobis rulings, and forfeiture	*
	*rulings). USAOs need only	*
	*report adverse district court	*
	*Sentencing Guidelines	*
	*decisions if they wish to	*
	*obtain authorization to appeal	*
	*that decision. Other adverse	*
	*sentencing decisions should be	*
	*reported.	*
9-2.170	*Notification is required of	*Appellate Section,
	*every published court of	*Criminal Division
	*appeals' decision that is	*
	*adverse to the government in	*

	*any respect.	*
9-2.170	*Consultation is required before confessing error in a court of appeals, or before taking a position that may be inconsistent with the government's position in another case.	*Appellate Section, Criminal Division
9-2.173	*Under some treaties, prosecutors are required to notify the consular official when a foreign national is arrested in the United States on federal criminal charges.	*Consular Officials of foreign countries. Contact the Office of International Affairs, Criminal Division, to determine whether a treaty requires contact with a consular official.
9-2.181	*Approval is required for Organized Crime Strike Force matters. Every significant action in the investigation and prosecution, from case initiation, court authorized electronic surveillance, witness immunities, witness protection requests, undercover proposals, case indictment, disposition by plea, and other important events must be approved in advance by Organized Crime and Racketeering Section. All significant dispositions, including indictments and	*Organized Crime and Racketeering Section, Criminal Division
9-2.181 cont'd	*verdicts, must be reported to Organized Crime and Racketeering Section in writing.	*
9-5.150	*Approval is required to move for or consent to closure of judicial proceedings. 28 C.F.R. § 50.9	*Deputy Attorney General (through the Division having supervisory authority over the offense charged; the Office of Enforcement Operations handles these approvals for the Criminal Division)

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT

9-7.110	*Approval is required for *applications for court orders *authorizing the interception *of oral, wire or electronic *communications (except for *applications involving *electronic communications to *digital-display paging device- *which may be approved by a *which may be approved by a *United States Attorney). *Approval is also required for *extension requests.	*Assistant Attorney *General, Criminal *Division or Deputy *Assistant Attorney *General, through the *Office of Enforcement *Operations
9-7.111	*Approval is required for *roving interception of wire *and oral communications. * * * * * * * * *	*Attorney General, *Deputy Attorney *General, Associate *Attorney General, *Assistant Attorney *General, or Acting *Assistant Attorney *General, through *Office of Enforcement *Operations, Criminal *Division
9-7.112	*Approval is required for *emergency interceptions under *18 U.S.C. § 2518(7) without a *court order. * * * * * * * * *	*Attorney General, *Deputy Attorney *General, Associate *Attorney General *(after obtaining oral *approval of AAG or *DAAG of Criminal *Division, through *Office of Enforcement *Operations)

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-7.200	*Approval is required to use *video surveillance for law *enforcement purposes when *there is a constitutionally *protected expectation of *privacy requiring judicial *authorization. * *	*Assistant Attorney *General, Deputy *Assistant Attorney *General, Director and *Associate Directors of *the Office of *Enforcement *Operations, Criminal *Division
9-7.302	*Approval is required to *intercept a non-telephonic	*Director or Associate *Director of the Office

	*verbal communication without	*of Enforcement
	*the consent of all parties to	*Operations, Criminal
	*the communication (but with	*Division
	*the consent of at least one	*
	*party to the communication),	*
	*when it is known that:	*
	*	*
	*(1) The interception relates	*
	*to an investigation of a	*
	*member of Congress, a federal	*
	*judge, a member of the	*
	*Executive Branch at Executive	*
	*Level IV, or above, or a	*
	*person who has served in such	*
	*capacity within the previous	*
	*two years;	*
	*	*
	*(2) The interception relates	*
	*to an investigation of any	*
	*public official and the	*
	*offense investigated is one	*
	*involving bribery, conflict of	*
	*interest, or extortion	*
	*relating to the performance of	*
	*his or her official duties;	*
	*	*
	*(3) The interception relates	*
	*to an investigation of a	*
	*federal law enforcement	*
	*official;	*
	*	*
	*(4) The consenting or	*
	*nonconsenting person is a	*
	*member of the diplomatic corps	*
	*of a foreign country;	*
	*	*
	*(5) The consenting or	*
	*nonconsenting person is or has	*
	*been a member of the Witness	*
	*Security Program and that fact	*
	*is known to the agency	*
	*involved or its officers;	*

USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT
SECTION	*CONSULTING OR APPROVAL	*
9-7.302	*(6) The consenting or	*
cont'd	*nonconsenting person is in the	*
	*custody of the Bureau of	*
	*Prisons or the United States	*
	*Marshals Service; or	*
	*	*
	*(7) The Attorney General, Deputy	*
	*Attorney General, Associate	*
	*Attorney General, Assistant	*

	*Attorney General for the Criminal *	
	*Division, or the United States *	
	*Attorney in the district where *	
	*an investigation is being *	
	*conducted has requested the *	
	*investigating agency to obtain *	
	*prior written consent for making *	
	*a consensual interception in a *	
	*specific investigation. *	
9-8.130	*Notification must be provided *Terrorism and Violent	
	*prior to filing any motion to *Crime Section,	
	*transfer a juvenile proceeding *Criminal Division	
	*to an adult prosecution. *	
9-10.020	*Prior written approval is *Attorney General,	
	*required for any decision *through the Assistant	
	*about whether or not to seek *Attorney General for	
	*the death penalty. *the Criminal Division	
9-10.090	*A notice of intention to seek *Attorney General,	
	*the death penalty filed with *through Assistant	
	*the court shall not be *Attorney General,	
	*withdrawn without *Criminal Division or	
	*authorization unless *United States Attorney	
	*authorized by the Attorney *(if plea agreement is	
	*General or approved by the *involved)	
	*United States Attorney as a *	
	*condition of a plea agreement. *	
9-10.100	*Written notification is *Assistant Attorney	
	*required of any plea agreement *General, Criminal	
	*entered into in a death *Division	
	*penalty case. *	
9-11.101	*Consultation is required *Chief of the Organized	
	*before any grand jury report *Crime and Racketeering	
	*is initiated, whether by a *Section, Criminal	
	*regular or special grand jury. *Division	
	*See also 9-11.330. *	
9-11.120	*Approval is required to *United States Attorney	
	*resubmit matter to a grand *	
	*jury after no bill. *	

USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	* CONTACT *
9-11.140	*See 9-13.525 for DOJ policy *Office of	
	*regarding issuing subpoenas to *International Affairs,	
	*obtain evidence or testimony *Criminal Division	
	*from other countries. *	
9-11.140	*"Forthwith" subpoenas should *United States Attorney	

	*be used only when an immediate	*
	*response is justified and then	*
	*may be used only with prior	*
	*approval.	*
9-11.150	*Prior approval is required to	*United States Attorney
	*subpoena a target to the grand	*or Assistant Attorney
	*jury.	*General
9-11.160	*Prior approval is required to	*Assistant Attorney
	*resubpoena a contumacious	*General, Criminal
	*witness before successive	*Division, through the
	*grand juries and to seek civil	*Office of Enforcement
	*contempt sanctions if the	*Operations
	*witness refuses to testify.	*
9-11.242	*Requests for appointments of	*Executive Office for
	*Non-Department of Justice	*United States
	*Government Attorneys as	*Attorneys (or Office
	*Special Assistant United	*of Enforcement
	*States Attorneys or Special	*Operations, Criminal
	*Assistant to the Attorney	*Division, if the less
	*General so that they may	*common Special
	*appear before the grand jury	*Assistant or Special
	*must be made in writing.	*Assistant to the
	*	*Attorney General
	*	*appointment is to be
	*	*used in cases or
	*	*matters within the
	*	*jurisdiction of the
	*	*Criminal Division.)
9-11.260	*Prior written approval is	*Assistant Attorney
	*required to request a court	*General for the
	*for permission to disclose	*Division having
	*grand jury materials under	*supervisory
	*Federal Rules of Criminal	*responsibility for the
	*Procedure 6(e)(3)(C)(iv)	*principal offenses
	*(disclosure of 6(e) material	*being investigated.
	*to State and Local Law	*(If the Criminal
	*Enforcement Officials).	*Division has
	*	*supervisory
	*	*responsibility, such
	*	*requests for approval
	*	*should be sent to the
	*	*Policy and Statutory
	*	*Enforcement Unit of
	*	*the Office of
	*	*Enforcement
	*	*Operations.)
USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-11.300	*Prior certification is	*Chief of the Organized
	*required to empanel a special	*Crime and Racketeering

	*grand jury under 18 U.S.C. §	*Section, Criminal
	*3331(a).	*Division
9-11.330	*Notification is requested when	*Chief of the Organized
	*a special grand jury	*Crime and Racketeering
	*(empaneled under 18 U.S.C. §	*Section, Criminal
	*3331--grand juries for	*Division
	*organized crime) will be	*
	*considering the issuance of a	*
	*report, or will be preparing a	*
	*report which the United States	*
	*Attorney has not requested.	*
9-11.330	*Approval of draft special	*Chief of the Organized
	*grand jury (18 U.S.C. § 3331--	*Crime and Racketeering
	*organized crime) reports is	*Section, Criminal
	*required before the draft	*Division
	*report may be furnished to the	*
	*special grand jury.	*
9-13.250	*Approval is required before a	*United States Attorney
	*Department attorney	*or Assistant Attorney
	*communicates, or causes	*General
	*another to communicate,	*
	*overtly with a target the	*
	*Department attorney knows is	*
	*represented by counsel	*
	*regarding the subject matter	*
	*of the communication.	*
28	*Prior written authorization is	*Attorney General,
C.F.R.	*required before any Department	*Deputy Attorney
77.9	*attorney may inform a	*General, Associate
4	*represented person that a	*Attorney General,
	*conflict of interest exists	*Assistant Attorney
	*between the represented person	*General or United
	*and his/her counsel. Oral	*States Attorney
	*authorization is permitted	*
	*when exigent circumstances	*
	*exist.	*

USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT

SECTION	CONSULTING OR APPROVAL	
9-13.400	Approval is required to: subpoena, interrogate, arrest or indict members of the news media, or to subpoena the telephone toll records of the news media.	Attorney General, through the Division having supervisory authority over the offense charged. If the Criminal Division has supervisory authority, requests should be sent to the Policy and Statutory Enforcement Unit of the Office of Enforcement Operations.
9-13.410	Approval is required to issue grand jury or trial subpoena to attorneys for information relating to the representation of client.	Assistant Attorney General, Criminal Division, through the Office of Enforcement Operations
9-13.420	No application for a search warrant for a subject attorney's office may be made to a court without the express approval of the United States Attorney or pertinent Assistant Attorney General. In addition to obtaining approval from the United States Attorney or the pertinent Assistant Attorney judicial authorization for the search warrant, the federal prosecutor must consult with the Criminal Division.	Assistant Attorney General, Criminal Division, through the Office of Enforcement Operations
9-13.500	Consultation is required before contacting any foreign or U.S. State Department official in relation to extradition of a fugitive or the obtaining of evidence in a criminal investigation or prosecution. Prior approval is required before attempting to do any act outside the United States relating to a criminal investigation or prosecution, including contacting a witness by telephone or mail.	Office of International Affairs, Criminal Division

USAM SECTION	TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	CONTACT
See the Criminal Resource Manual at 276	Consultation is required to determine whether the United States has a Mutual Legal Assistance Treaty with the country from which the evidence is sought.	Office of International Affairs
9-13.525	Written approval is required before issuing any subpoena to persons or entities in the United States for records located abroad.	Office of International Affairs, Criminal Division
9-13.525	Prior approval is required to serve a subpoena ad testificandum on an officer or attorney of a foreign bank or corporation who is temporarily in United States when in connection with the operation of the foreign bank or corporation.	Office of International Affairs, Criminal Division
9-13.526	Notification is required before filing civil forfeiture action pursuant to extraterritorial jurisdictional provision contained in 28 U.S.C. § 1355(b)(2) against assets in foreign country. Consultation is required before taking steps to present a foreign government, for enforcement or recognition, any civil or criminal forfeiture order entered in the United States for property located within the foreign jurisdiction.	Office of International Affairs, which will consult with Asset Forfeiture and Money Laundering Office
9-13.534	Approval is required for travel to a foreign country in connection with criminal investigations, trials, or other criminal law enforcement related to official activity.	EOUSA approves with consent of Office of International Affairs
9-13.540	Consultation is required regarding execution of foreign legal assistance requests that have not been routed through Office of International	Office of International Affairs, Criminal Division

USAM SECTION	TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	CONTACT
9-13.900	Approval is required for an ex parte motion for tax returns and tax return information under 26 U.S.C. § 6103.	Attorney General, Deputy Attorney General, Associate Attorney General, any Assistant Attorney General, any United States Attorney, any special prosecutor appointed under 28 U.S.C. § 593, or any attorney in charge of a Criminal Division organized crime strike force established pursuant to 28 U.S.C. § 510
9-15.210	Prosecutors may not act on any foreign extradition or provisional arrest request that comes from a source other than OIA.	Office of International Affairs, Assistant Attorney General, Criminal Division
9-15.800	Written approval is required before prosecutors may agree, formally or informally, to prevent or delay extradition or deportation of cooperating aliens.	Assistant Attorney General, Criminal Division, Office of International Affairs
9-16.010	Prior Approval is required for consent to a plea of nolo contendere. See also USAM 9-27.520.	Attorney General, Associate Attorney General, Deputy Attorney General, or Assistant Attorney General with supervisory responsibility for the subject matter.
9-16.015	Prior Approval is required for consent to an Alford plea. See also USAM 9-27.400.	Attorney General, Associate Attorney General, Deputy Attorney General, or Assistant Attorney General with supervisory responsibility for the subject matter.

9-16.030	Consultation with investigative agencies and victims is necessary before entering into a plea agreement.	Relevant Investigative Agencies, and any known victim
USAM 9-16.110	TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL Prior approval is required for plea agreements with defendants who are candidates or members of Congress or federal judges.	CONTACT Public Integrity Section, Criminal Division
9-19.220	Prior Approval is required for search warrant applications for documentary materials in possession of third parties, such as physicians, attorneys, or clergymen.	United States Attorney or supervising DOJ attorney AND Deputy Assistant Attorney General for the division which supervises the underlying offense being investigated or prosecuted. With respect to offenses supervised by the Criminal Division, contact the Office of Enforcement Operations.
9-19.240	Approval is needed before a warrant is sought for seizure of any work product materials or other documentary materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar public communications that are governed by Title I of the Privacy Protection Act of 1980.	Deputy Assistant Attorney General, through the Policy and Statutory Enforcement Unit, Office of Enforcement Operations
9-19.600	Prior Approval is required for search warrants for evidence of criminal tax offenses under the jurisdiction of the Tax Division.	Assistant Attorney General, Tax Division
9-21.050	Prior Approval is required to use, for investigative purposes, persons who are in	Special Operations Unit, Office of Enforcement

	*the custody of the USMS or	*Operations, Criminal
	*BOP, or who are under BOP	*Division
	*supervision. This approval	*
	*requirement applies whether	*
	*the individual is sentenced or	*
	*unsentenced, but it does not	*
	*apply if the person in Federal	*
	*custody has not yet been	*
	*arraigned, unless 72 hours	*
	*have passed.	*
USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	* CONTACT
9-21.200	*Approval is required of	*Attorney General;
	*applications for Witness	*Deputy Attorney
	*Security Program/Protection of	*General; Associate
	*Witnesses.	*Attorney General;
	*	*Assistant Attorney
	*	*General, Civil Rights
	*	*Division (if a
	*	*criminal civil rights
	*	*matter is involved);
	*	*Assistant Attorney
	*	*General, Criminal
	*	*Division; or the
	*	*Director or Senior
	*	*Associate Director of
	*	*the Office of
	*	*Enforcement
	*	*Operations, Criminal
	*	*Division.
9-21.400	*Prior Approval is required for	*Witness Security Unit
	*public disclosure of a	*of the
	*witness's pending or actual	*Office of Enforcement
	*participation in the Witness	*Operations, Criminal
	*Security Program.	*Division
9-21.800	*Prior approval is required to	*Witness Security Unit
	*use any of the following	*of the Office of
	*persons as an informant: a	*Enforcement
	*currently protected witness,	*Operations, Criminal
	*anyone relocated because of a	*Division
	*witness's cooperation, or a	*
	*former protected witness.	*
9-23.130	*Authorization is required	*Assistant Attorney
	*before requesting immunity.	*General, Criminal
	*	*Division, through
	*	*Office of Enforcement
	*	*Operations; (Antitrust
	*	*AAG, Civil Rights AAG,
	*	*Civil AAG, ENRD AAG,
	*	*and Tax AAG may
	*	*authorize compulsion

	*	*orders also, but must
	*	*obtain Criminal
	*	*Division clearance.)

USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	* CONTACT
9-23.400	*Prior written approval is required to initiate or recommend prosecution of an immunized person for an offense or offenses first disclosed in, or closely related to, immunized testimony or information.	*Attorney General, through the Assistant Attorney General for the division that issued the letter of authority for requesting the original compulsion order. (Through the Office of Enforcement Operations for Criminal Division matters.)
9-27.140	*Approval is required for any significant modification of or departure from the Principles of Federal Prosecution, if the modification or departure will be a matter of policy or regular practice.	*Assistant Attorney General, Deputy Attorney General
9-27.300	*Approval is required not to file a sentencing enhancement under 21 U.S.C. § 851 (unless the failure to file the sentencing enhancement would not affect the applicable guideline range).	*United States Attorney, Chief AUSA, or senior supervisory criminal AUSA
9-27.400	*Prior approval is required to dismiss readily provable charges.	*United States Attorney, or other designated supervisory level attorney
9-27.400	*Prior approval is required to seek a departure other than one listed in Chapter 5, Part	*United States Attorney or other designated supervisory level

	*X of the United States	*attorney
	*Sentencing Guidelines.	*
9-27.400	*Prior approval to file a 5K1.1	*United States
	*motion for downward departure	*Attorney, Chief AUSA,
	*based upon substantial	*or other supervisory
	*assistance.	*criminal AUSA
9-27.640	*Prior Approval is required to	*Assistant Attorney
	*enter into a nonprosecution	*General, Criminal
	*agreement in exchange for	*Division
	*cooperation when: 1)	*
	*consultation or approval is	*
	*required (by a statute or DOJ	*
	*policy) for a declination of	*
	*prosecution or dismissal of a	*
	*charge with regard to which	*
	*the agreement is to be made;	*

USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT
SECTION	*CONSULTING OR APPROVAL	*
9-27.640	*or, 2) the person is a) a	*
cont'd	*high level federal, state, or	*
	*local official, b) an	*
	*official or agent of a federal	*
	*investigative or law	*
	*enforcement agency, or c) a	*
	*person who is, or likely to	*
	*become, of major public	*
	*interest.	*
9-27.641	*Prior written approval is	*The United States
	*required to enter into multi-	*Attorney in each
	*district (global) plea	*affected district
	*agreements.	*and/or Assistant
	*	*Attorney General,
	*	*Criminal Division,
	*	*through the Witness
	*	*Immunity Unit (AAG
	*	*approval is needed
	*	*only when there is a
	*	*dispute between the
	*	*USA's involved or when
	*	*DOJ Criminal Division
	*	*is involved in the
	*	*case.)
9-41.010	*Notification is required of	*Attorney General,
	*decision not to investigate or	*through Fraud Section,
	*prosecute possible violation	*Criminal Division
	*of bankruptcy matter referred	*
	*by judge, receiver, or trustee	*
	*for Attorney General	*
	*direction.	*

9-42.430	*Consultation is required regarding prosecution or declination of a volunteer corporation under the Dept. of Defense Voluntary Disclosure Program.	*Federal Procurement Fraud Unit of the Fraud Section, Criminal Division
9-42.451	*Express approval is required before prosecutors enter into any plea bargains involving Health and Human Services (HHS) programs that would attempt to include a commitment to forgo or restrict administrative remedies of HHS.	*Health and Human Services

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT
9-47.110	*Prior approval is required to institute an investigation or prosecution of cases involving alleged violations of Sections 103 and 104, and related violations of Section 102, of the Foreign Corrupt Practices Act (FCPA) of 1977 (15 U.S.C. (15 U.S.C. §§ 78m(b), 78dd-1, and 78dd-2).	*Fraud Section, Criminal Division
9-59.010	*Prior approval is required to file charges under the Economic Espionage Act, 18 U.S.C. §§ 1831 et seq.	*Attorney General, Deputy Attorney General, or Assistant Attorney General, through the Computer Crimes and Intellectual Property Section (CCIPS) of the Criminal Division. CCIPs will consult with the Internal Security Section in certain cases.
9-60.112	*Consultation is required before making a prosecutive determination involving possible violations of the peonage or involuntary servitude statutes.	*Civil Rights Division, Criminal Section

9-60.700	*Consultation is required before initiating prosecution relating to a hostage taking occurring within United States. Approval is required if the hostage taking occurred outside the United States.	*Assistant Attorney General, Criminal Division, Terrorism and Violent Crime Section
9-60.1200	*Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment of a violation of 18 U.S.C. §§ 231-233, 2101, 2102 (civil disturbances and riots).	*Terrorism and Violent Crime Section

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT
9-63.135	*Air Piracy within the special aircraft jurisdiction of the United States: Consultation is required before dismissing, in whole or in part, an indictment, information, or complaint containing air piracy charges or entering into any agreement to forego an air piracy prosecution that occurred within the special aircraft jurisdiction of the United States. 49 U.S.C. § 46502(a)	*Terrorism and Violent Crime Section, Criminal Division
9-63.181	*Air Piracy outside the special aircraft jurisdiction of the United States: Approval is	*Terrorism and Violent Crime Section, Criminal Division

	*required to initiate a	*
	*criminal investigation,	*
	*commence grand jury	*
	*proceedings, file an	*
	*information or complaint, or	*
	*seek the return of an	*
	*indictment in matters	*
	*involving overseas terrorism,	*
	*including air piracy that	*
	*occurs outside the special	*
	*aircraft jurisdiction of the	*
	*United States.	*
	*	*
	*Consultation is required	*
	*before dismissing, in whole or	*
	*in part, an indictment,	*
	*information, or complaint	*
	*containing air piracy charges	*
	*or entering into any agreement	*
	*to forego an air piracy	*
	*prosecution that occurred	*
	*outside the special aircraft	*
	*jurisdiction of the United	*
	*States.	*
	*49 U.S.C. § 46502(b)	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	*	CONTACT
9-63.221	*Prior approval is required for *indictments alleging a *violation of 18 U.S.C. § 32(b) *(Aircraft Sabotage).	*Assistant Attorney *General, Criminal *Division	
9-65.110	*Telephonic notification is *required immediately upon the *initiation of any *investigation under *18 U.S.C. § 1751.	*Terrorism and Violent *Crime Section, *Criminal Division	
9-65.200	*Prosecutors are encouraged to *consult when in doubt of the *prosecutive merit of a case *when relating to the security *of the persons protected by 18 *U.S.C. § 871 (President, Vice- *President, etc).	*Terrorism and Violent *Crime Section, *Criminal Division	
9-65.200	*Prior approval is required to *dismiss complaints under 18 *U.S.C. § 871, when the *defendant is in custody under *the Mental Incompetency *Statutes.	*Terrorism and Violent *Crime Section, *Criminal Division	

	*	*
	*In all other § 871 cases,	*
	*consultation is required prior	*
	*to dismissing a count	*
	*involving, or entering into	*
	*any sentence commitment or	*
	*other case settlement.	*
9-65.700	*Notification is required	*Terrorism and Violent
	*immediately upon the	*Crime
	*initiation of an investigation	*Section
	*under 18 U.S.C. § 351.	*
9-65.811	*Notification is required prior	*Terrorism and Violent
	*to arrest or indictment of	*Crime Section,
	*members of Taiwan's	*Criminal Division
	*Coordination Council for North	*
	*American Affairs (CCNAA).	*
9-69.200	*Prior approval is required for	*Fraud Section,
	*investigations or prosecutions	*Criminal Division
	*of perjury before Congress and	*
	*contempt of Congress. See	*
	*also USAM 9-90.550.	*
	*(additional approval	*
	*requirement regarding contempt	*
	*of Congress relating to	*
	*national security)	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-69.200	*Consultation is required	*Criminal Division
	*before prosecuting an	*through the Section
	*individual for perjury	*having supervisory
	*committed during a trial that	*responsibility for the
	*resulted in acquittal.	*original offense
	*	*charged.
9-69.460	*Written approval is required	*Attorney General,
	*before initiating a	*Deputy Attorney
	*prosecution for a violation of	*General, Associate
	*18 U.S.C. § 1073 (Flight to	*Attorney General, or
	*Avoid Prosecution, Custody,	*Assistant Attorney
	*Confinement, or Giving	*General, through
	*Testimony).	*Terrorism and Violent
	*	*Crime Section
9-72.100	*Approval is required of	*Assistant Attorney
	*applications for S	*General, Criminal
	*nonimmigrant visa	*Division through the
	*classification.	*Policy and Statutory
	*	*Enforcement Unit of
	*	*the Office of

	*	*Enforcement Operations
	*	*and the Commissioner
	*	*of the INS
9-73.801	*Prior consultation is required	*Office of Immigration
	*to institute proceedings to	*Litigation, Civil
	*revoke naturalization under 8	*Division.
	*U.S.C. § 1451.	*
9-75.020	*Written notification must be	*Child Exploitation &
	*provided prior to initiation	*Obscenity Section,
	*of a forfeiture action as to	*Criminal Division
	*the nature and value of any	*
	*property or interest forfeited	*
	*under 18 U.S.C. §§ 2253 or	*
	*2254 for violations of 18	*
	*U.S.C. §§ 2251 or 2252 or	*
	*forfeited pursuant to 18	*
	*U.S.C. § 1467 for violations	*
	*of 18 U.S.C. § 1461 et seq. or	*
	*forfeited in connection with	*
	*an obscenity or child	*
	*pornography based RICO	*
	*prosecution.	*
9-75.020	*Consultation is required	*Child Exploitation &
	*before any criminal	*Obscenity Section,
	*prosecution may be instituted	*Criminal Division
	*under 18 U.S.C. § 1461 et	*
	*seq.; § 2251 et seq.; § 2421	*
	*et seq.; §§ 2241 et seq.;	*
	*§§ 1961 et seq.; and	*
	*18 U.S.C. § 223.	*

USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT
SECTION	*CONSULTING OR APPROVAL	*
9-75.020	*Consultation is required in	*
cont'd	*prosecutions that would result	*
	*in multiple prosecutions of an	*
	*obscenity violator in more	*
	*than one federal district.	*
9-75.020	*Consultation is required on	*Child Exploitation and
	*dial-a-porn cases under 47	*Obscenity Section,
	*U.S.C. § 223(b).	*Criminal Division
9-75.084	*Prosecutions Involving	*Child Exploitation &
	*Defendants Who May be Targets	*Obscenity Section,
	*of Multiple District	*Criminal Division
	*Investigations:	*
	*	*
	*Consultation is required prior	*
	*to initiating a case against a	*
	*defendant who may be a target	*

	*which is the subject of	*
	*multiple district	*
	*investigation of child	*
	*pornography.	*
	*	*
	*United States Attorneys must	*
	*consult with CEOS at least 10	*
	*days prior to obtaining or	*
	*filing any indictment or	*
	*information.	*
	*	*
	*Consultation is required prior	*
	*to entering into any plea	*
	*agreement to ensure that it	*
	*does not affect other	*
	*districts or other cases.	*
	*	*
	*Consultation is required prior	*
	*to seeking Pre-trial diversion	*
	*for child pornography	*
	*offenses.	*
9-75.300	*Concurrence to prosecute	*Child Exploitation &
	*mailing or transporting	*Obscenity Section,
	*obscene material in the	*Criminal Division
	*jurisdiction through which the	*
	*material passes.	*
	*	*
	*Consultation concerning venue	*
	*is required if the case is	*
	*part of a multi-district	*
	*effort.	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-75.310	*Consultation and approval	*Child Exploitation &
	*required to initiate	*Obscenity Section,
	*prosecutions of large scale,	*Criminal Division
	*multi-district distributors of	*
	*obscenity that may be targets	*
	*of projects.	*
9-75.400	*Notification must be provided	*Child Exploitation &
	*immediately after forfeiture	*Obscenity Section,
	*of forfeiture actions under 19	*Criminal Division
	*U.S.C. § 1305.	*
9-76.110	*Consultation is required	*Federal Aviation
	*regarding settlement proposals	*Administration
	*under the Federal Aviation Act	*

	*of 1958.	*
9-79.100	*Consultation is required before prosecuting persons for violations of 18 U.S.C. § 2421 et seq., other than those engaged in commercial prostitution enterprises such as panderers, operators of houses of prostitution, or call-girl operations, and those acting for or in association with such persons.	*Child Exploitation & Obscenity Section, Criminal Division
9-79.400	*Notification is required before declining to prosecute failure to register with the Selective Service. 18 U.S.C. App. § 462 * Consultation is required prior to dismissing a count involving, or entering into any sentence commitment of other case settlement in a case involving failure to register with the Selective Service. 50 U.S.C. App. § 462	*Policy and Statutory Enforcement Unit, Office of Enforcement Operations, Criminal Division
9-79.410	*Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment for the offense of desecration of the flag.	*Fraud Section, Criminal Division

USAM SECTION	TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	CONTACT
7-79.420	*Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment of disclosure violations under 18 U.S.C. § 7213.	*Public Integrity Section, Criminal Division
9-85.200	*Prior approval (certification) is required for a prosecution of an offense under 18 U.S.C. § 245.	*Attorney General or Deputy Attorney General, through the Public Integrity

	*	*Section, Criminal	
	*Consultation is required	*Division or the	
	*before an investigation beyond	*Criminal Section of	
	*a preliminary inquiry is	*the Civil Rights	
	*requested, and before	*Division	
	*instituting grand jury	*	
	*proceedings based upon a	*	
	*federally protected activity	*	
	*identified in 18 U.S.C. § 245.	*	
9-85.210	*Consultation is required in	*Public Integrity	
	*all federal criminal matters	*Section, Criminal	
	*that focus on violations of	*Division	
	*federal or state campaign	*	
	*financing laws, federal	*	
	*patronage crimes, and corruption	*	
	*of the electoral process. These	*	
	*offenses include, but are not	*	
	*limited to, offenses described in:	*	
	*18 U.S.C. §§ 241 to 242, 245, 592	*	
	*to 611; 42 U.S.C. §§ 1973i(c),	*	
	*1973i(e), and 1973gg-10; 2 U.S.C.	*	
	*§§ 431 to 455; and prosecutive	*	
	*theories that focus on corruption	*	
	*of electoral processes or campaign	*	
	*fundraising violations using 18	*	
	*U.S.C. §§ 1341, 1343, and 1346; 18	*	
	*U.S.C. § 1952; 18 U.S.C. §§	*	
	*1956 and 1957.	*	
	* With regard to federal	*	
	*campaign matters arising under	*	
	*2 U.S.C. §§ 431-455, consultation	*	
	*is required before any inquiry is	*	
	*requested or conducted. With	*	
	*regard to all other election-	*	
	*related investigations (other	*	
	*than those described in 9-85.200	*	
	*(Federally Protected Activities)),	*	
	*consultation is required before an	*	
	*investigation beyond a preliminary	*	
	*inquiry is requested, and before	*	
	*instituting grand jury	*	
	*proceedings, filing an	*	
	*information, or seeking an	*	
USAM SECTION 9-85.210 cont'd	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL *indictment. See also USAM 9- *90.020, which requires	* CONTACT * *	
	*consultation with the Internal	*	
	*Security Section before	*	
	*prosecuting 2 U.S.C. § 441e	*	
	*offenses.	*	
9-85.220	*Consultation is required	*Public Integrity	

	*before instituting grand jury	*Section, Criminal
	*proceedings, filing an	*Division
	*information, or seeking an	*
	*indictment for violations of	*
	*18 U.S.C. §§ 210 and 211	*
	*(Purchase and Sale of Public	*
	*Office).	*
9-85.230	*Consultation is required	*Public Integrity
	*before instituting grand jury	*Section, Criminal
	*proceedings, filing an	*Division
	*information, or seeking an	*
	*indictment for violations of	*
	*18 U.S.C. § 1913 (Lobbying	*
	*with Appropriated Funds).	*
9-85.240	*All allegations received by	*Public Integrity
	*United States Attorneys	*Section, Criminal
	*concerning any individuals	*Division
	*covered by the Ethics in	*
	*Government Act	*
	*(28 U.S.C. § 591) must be	*
	*referred to the Department.	*
9-90.020	*Express prior approval is	*Assistant Attorney
	*required for prosecution of	*General, Criminal
	*offenses involving national	*Division, through
	*security. Consultation is	*Internal Security
	*required before an arrest is	*Section
	*made, search warrant is	*
	*obtained, grand jury	*
	*investigation is commenced,	*
	*immunity is offered,	*
	*indictment is presented, a	*
	*prosecution is declined or an	*
	*adverse ruling or decision is	*
	*appealed in cases affecting	*
	*national security. The	*
	*following statutes are	*
	*encompassed by these prior	*
	*approval and consultation	*
	*requirements when they relate	*
	*to national security:	*

USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT
SECTION	*CONSULTING OR APPROVAL	*
9-90.020	*1) 2 U.S.C. § 192, Contempt of	*Assistant Attorney
cont'd	*Congress Related to National	*General, Criminal
	*Security. See also 9-	*Division, through
	*69.200 regarding other	*Internal Security
	*contempts of Congress.	*Section

	*2) 2 U.S.C. § 261 et seq.	*Assistant Attorney
	*Federal Regulation of Lobbying	*General, Criminal
	*Act.	*Division, through
	*	*Internal Security
	*	*Section
	*3) 8 U.S.C. § 1185(b) and 18	*Assistant Attorney
	*U.S.C. §§ 1542-1544, Travel	*General, Criminal
	*Controls of Citizens.	*Division, through
	*	*Internal Security
	*	*Section
	*4) 18 U.S.C. § 219 et seq.,	*Assistant Attorney
	*Officers and employees of	*General, Criminal
	*United States Acting as	*Division, through
	*Foreign Agents; and Conflicts	*Internal Security
	*of Interest.	*Section
	*5) 18 U.S.C. § 791 et seq.,	*Assistant Attorney
	*Espionage; Unauthorized	*General, Criminal
	*Disclosure of Classified	*Division, through
	*Information.	*Internal Security
	*	*Section
	*6) 18 U.S.C. § 952 et seq.,	*Assistant Attorney
	*Neutrality Laws.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*7) 18 U.S.C. § 1001, False	*Assistant Attorney
	*Statements concerning	*General, Criminal
	*membership in organizations	*Division, through
	*advocating violent overthrow	*Internal Security
	*of government.	*Section
	*8) 18 U.S.C. § 1030(a)(1),	*Assistant Attorney
	*Computer Espionage.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*9) 18 U.S.C. § 1071 et seq.,	*Assistant Attorney
	*Harboring.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section

USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT
SECTION	*CONSULTING OR APPROVAL	*
	*10) 18 U.S.C. § 1073, Flight	*Assistant Attorney
	*to Avoid Prosecution or Giving	*General, Criminal

	*Testimony.	*Division, through
	*	*Internal Security
	*	*Section
	*11) 18 U.S.C. § 1501 et seq.,	*Assistant Attorney
	*Obstruction of Justice.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*12) 18 U.S.C. § 1542 et seq.,	*Assistant Attorney
	*Passport Violations Related to	*General, Criminal
	*National Security.	*Division, through
	*	*Internal Security
	*	*Section
	*	*
	*13) 18 U.S.C. § 2151 et seq.,	*Assistant Attorney
	*Sabotage.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*14) 18 U.S.C. § 2381 et seq.,	*Assistant Attorney
	*Treason, Sedition and	*General, Criminal
	*Subversive Activities.	*Division, through
	*	*Internal Security
	*	*Section
	*15) 18 U.S.C. § 2383,	*Assistant Attorney
	*Inciting, Assisting or	*General, Criminal
	*Engaging in Rebellion or	*Division, through
	*Insurrection.	*Internal Security
	*	*Section
	*16) 18 U.S.C. § 2385, Smith	*Assistant Attorney
	*Act.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*17) 18 U.S.C. § 2386, Voorhis	*Assistant Attorney
	*Act.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*18) 18 U.S.C. § 3150, Jumping	*Assistant Attorney
	*Bail.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT

	*19) 22 U.S.C. § 611 et seq,	*Assistant Attorney
	*Foreign Agents Registration	*General, Criminal
	*Act.	*Division, through
	*	*Internal Security
	*	*Section
	*20) 42 U.S.C. § 2273 et seq,	*Assistant Attorney
	*Atomic Energy Act.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
	*21) 50 U.S.C. § 783 et seq,	*Assistant Attorney
	*Communication of Classified	*General, Criminal
	*Information by Government	*Division, through
	*Officer or Employee.	*Internal Security
	*	*Section
	*22) 50 U.S.C. § 851-857,	*Assistant Attorney
	*Registration of persons who	*General, Criminal
	*have knowledge and received	*Division, through
	*training in espionage.	*Internal Security
	*	*Section
	*23) 50 U.S.C. § 421,	*Assistant Attorney
	*Intelligence Identities	*General, Criminal
	*Protection Act.	*Division, through
	*	*Internal Security
	*	*Section
	*24) 50 U.S.C. § 1701 et seq,	*Assistant Attorney
	*International Emergency	*General, Criminal
	*Economic Powers Act.	*Division, through
	*	*Internal Security
	*	*Section
	*25) 50 U.S.C. § 2401 et seq,	*Assistant Attorney
	*Violations of the Export	*General, Criminal
	*Administration Arms Export	*Division, through
	*Control Act. 22 U.S.C. §	*Internal Security
	*2778.	*Section
	*26) 50 U.S.C. App. § 5(b),	*Assistant Attorney
	*Trading with the enemy.	*General, Criminal
	*	*Division, through
	*	*Internal Security
	*	*Section
9-90.020	*Consultation is required in	*Assistant Attorney
	*cases in which classified	*General, Criminal
	*information plays a role in	*Division, through
	*the prosecutive decision and	*Internal Security
	*for use of the Classified	*Section
	*Information Procedures Act.	*
	*	*
	*	*

USAM SECTION	TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	CONTACT
9-90.020	Consultation is required before initiating a prosecution under 2 U.S.C. § 441e, § 441e, Campaign Contributions by Foreign Nationals. See also USAM 9-85.210, which requires consultation with the Public Integrity Section before initiating any investigation under this section.	Assistant Attorney General, Criminal Division, through Internal Security Section, Registration Unit
9-90.100	The USAO National Security Coordinator must notify the Internal Security Section when national security issues arise in the course of prosecutions of offenses not related to the national security.	Attorney General, Deputy Attorney General, Assistant Attorney General, Criminal Division, through Chief, Internal Security Section
9-90.210	Approval is required to request to search an Intelligence Community (IC) file in connection with a criminal investigation or prosecution.	United States Attorney or a senior designee AND the Internal Security Section, Criminal Division
9-90.230	Prior to any grand jury appearance by a target who is an intelligence officer, asset, or other employee of the intelligence community, consultation with the intelligence agency whose information may be disclosed by the target's testimony is required.	Relevant Intelligence Agency through the Internal Security Section, Criminal Division
9-90.240	Notification is required if a district court or appellate court will not accept a substitution proposed by the government under CIPA section 6(c).	Internal Security Section, Criminal Division
9-90.240	Approval is required to file an interlocutory appeal under section 7(a) of CIPA.	Internal Security Section, Criminal Division
9-90.240	Notification is required if it becomes likely that an intelligence agency employee will testify in any criminal	Internal Security Section, Criminal Division

	*case.	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, CONSULTING OR APPROVAL	* CONTACT
9-105.300	*Prior approval is required before commencement of investigation where jurisdiction to prosecute is based solely on extraterritorial jurisdiction provisions of 18 U.S.C. §§ 1956 and 1957.	*Asset Forfeiture and Money Laundering Section, Criminal Division
9-105.300	*Prior approval is required to prosecute under 18 U.S.C. § 1956(a)(1)(A)(ii) when the sole or principal purpose of the financial transaction was to evade the payment of taxes. See also 9-105.750.	*Assistant Attorney General, Tax Division
9-105.300	*Prior approval is required to prosecute attorneys under 18 U.S.C. § 1956 or § 1957 when the financial transaction is one involving attorneys' fees. See also 9-105.600 et seq.	*Asset Forfeiture and Money Laundering Section, Criminal Division
9-105.300	*Prior approval is required before filing of criminal indictment or complaint in which a financial institution would be named as defendant or unindicted co-conspirator.	*Asset Forfeiture and Money Laundering Section, Criminal Division
9-105.310	*Notification (by sending a copy of indictment or complaint) is required of all criminal cases that include charges under 18 U.S.C. § 1956 or § 1957, and all forfeiture cases involving 18 U.S.C. § 981 or § 982. Following sentencing, prosecutors should provide notification regarding the disposition of the case.	*Asset Forfeiture and Money Laundering Section, Criminal Division
9-105.320	*Notification is required of all convictions of financial institutions, or any officer, director, or employee of a financial institution, for the following offenses:	*Asset Forfeiture and Money Laundering Section, Criminal Division

	*18 U.S.C. §§ 1957 or 1960, or	*
	*31 U.S.C. § 5322.	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-105.330	*Consultation is required *before filing a civil or *criminal forfeiture action *when forfeiture of a business *is sought under the theory *that business facilitated *money laundering offenses.	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division * * * *
9-105.330	*Consultation is required *before filing civil action *under § 1956(b) against *business entity.	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division
9-105.330	*Consultation is required *before filing an indictment or *complaint when conduct to be *charged as "specified unlawful *activity" under 18 U.S.C. § *1956 and § 1957 consists *primarily of one or more *financial offenses or fraud *offenses, and when the *financial and money laundering *offenses are so closely *connected that there is no *clear delineation between the *underlying financial crime and *the money laundering offense.	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division * * * * * * * * * * * *
9-105.330	*Consultation is required prior *to filing an indictment or *complaint when the conduct to *be charged as money laundering *under § 1956 or § 1957, or *when the basis for a *forfeiture action under § 981 *consists of the deposit of *proceeds of specified unlawful *activity into a domestic *financial institution account *that is clearly identifiable *as belonging to the person(s) *who committed the specified *unlawful activity	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division *
9-105.750	*Approval for use of specific *intent language set forth in	*Assistant Attorney *General, Criminal

	*18 U.S.C. § 1956(a)(1)(A)(ii)	*Section Tax Division
	*in proposed indictment when 1)	*
	*indictment contains charges	*
	*for which Tax Division	*
	*authorization is required and	*
	*2) the intent to engage in	*
	*conduct constituting a	*
	*violation of 26 U.S.C. § 7201	*
	*or 26 U.S.C. § 7206 is the	*
USAM	*TYPE & SCOPE OF REPORTING,	* CONTACT
SECTION	*CONSULTING OR APPROVAL	*
9-105.750	*sole or principal purpose of	*
cont'd	*the financial transaction	*
	*which is the subject of the	*
	*money laundering count. See	*
	*also 9-105.300.	*
9-110.101	*Prior approval is required to	*Organized Crime and
	*file a RICO criminal	*Racketeering Section,
	*indictment or information or	*Criminal Division
	*civil complaint, or to issue a	*
	*civil investigative demand.	*
Criminal	*Prior approval is required to	*Organized Crime and
Resource	*file a motion for a	*Racketeering Section,
Manual at	*restraining order in a RICO	*Criminal Division
2084	*prosecution.	*
9-110.801	*Prior approval is required	*Organized Crime and
	*before any criminal	*Racketeering Section,
	*prosecution under 18 U.S.C. §	*Criminal Division
	*1959 may be initiated by	*
	*indictment or information.	*
9-111.600	*Approval is required to retain	*Chief, Asset
	*cash in the amount of $5,000	*Forfeiture and Money
	*or more for evidentiary	*Laundering Section,
	*purposes.	*Criminal Division
9-112.110	*Approval is required for the	*Asset Forfeiture and
	*judicial forfeiture of	*Money Laundering
	*property that would not	*Section, Criminal
	*otherwise be forfeited	*Division
	*administratively in cases that	*
	*are not covered by the	*
	*exception for compelling	*
	*prosecutorial considerations	*
	*or the exception for	*
	*aggregation of seized	*
	*property.	*
9-112.220	*Prior approval is required for	*Chief, Asset
	*denial by seizing agency of in	*Forfeiture and Money
	*forma pauperis petitions for	*Laundering Section,
	*waiver of cost bond in	*Criminal Division

	*forfeiture cases.	*
9-112.240	*Prior approval is required for *a pre-indictment ex parte *application for a temporary *restraining order in criminal *forfeiture cases.	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division *

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-113.103	*Consultation is required *before entering into *settlements or plea agreements *that return property that is *the subject of administrative *forfeiture proceedings.	*Seizing Agency * * * * *
9-113.107	*Approval is required for any *settlement which provides for *unsecured partial payments.	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division, in *consultation with the *U.S. Marshals Service
9-113.200	*Consultation is required *regarding a proposed *settlement if a civil or *criminal forfeiture claim is *more than $500,000, unless the *original claim is between *$500,000 and $5 million, and *the difference between the *original claim and the *settlement amount does not *exceed 15 percent of the *original claim. * *Approval is required for a *settlement in which the *difference between the *original claim and the *proposed settlement exceeds $2 *million or 15 percent of the *original claim, whichever is *greater. *	*Consultation: Asset *Forfeiture and Money *Laundering Section, *Criminal Division * * *Approval: Deputy *Attorney General * * * * * * * * * * * * * * *
9-113.800	*Written approval is required *of any agreement to pay liens *and mortgages to a lienholder *prior to forfeiture under the	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division

	*Expedited Forfeiture	*
	*Settlement Policy for Mortgage	*
	*Holders.	*
9-115.421	*Approval is required to convey	*Seized Assets
	*title through a general	*Division, U.S.
	*warranty deed or its	*Marshals Service
	*equivalent.	*
9-116.170	*Approval is required to adopt	*Asset Forfeiture and
	*state or local seizures	*Money Laundering
	*directly for judicial	*Section, Criminal
	*forfeiture.	*Division

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-116.520	*Approval is required to	*Deputy Attorney
	*transfer real property to	*General or designee,
	*state or local agencies for	*through Asset
	*further transfer to other	*Forfeiture and Money
	*government agencies or non-	*Laundering Section
	*profit agencies for use in the	*
	*Weed and Seed Program.	*
9-116.400	*Prior approval is required to	*Attorney General and
	*share internationally.	*Secretary of State,
	*	*through the Asset
	*	*Forfeiture and Money
	*	*Laundering Section,
	*	*Criminal Division.
9-117.210	*Prior approval is required to	*Asset Forfeiture and
	*use funds from the Assets	*Money Laundering
	*Forfeiture Fund to pay Equal	*Section, Criminal
	*Access to Justice (EAJA)	*Division
	*awards arising from actions	*
	*related to the forfeiture of	*
	*property.	*
9-118.000 et seq.	*Approval is required of	*Deputy Attorney
	*equitable sharing in the	*General or designee
	*following circumstances: (1)	*
	*in cases involving $1 million	*
	*or more in forfeited assets;	*
	*(2) in multi-district cases;	*
	*and (3) in cases involving	*
	*real property transfers to a	*
	*state or local agency for law	*
	*enforcement related use.	*
9-118.000 et seq.	*Approval is required for	*Deputy Attorney
	*allocations from the Assets	*General or designee
	*Forfeiture Fund to program	*
	*participants for statutorily	*

	*designated uses.	*
9-118.400	*Approval is required of a seizing agency's decision to place property into the agency's own official use, if the liens on the property equal $25,000 or one-third of the value, whichever is greater.	*Chief, Asset Forfeiture and Money Laundering Section, Criminal Division

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT
9-118.400	*Approval is required of the *U.S. Marshals Service's *decision to place personal *property into official use by *non-participating federal *agencies, if: (1) the property *is $25,000 or more in value; *or (2) liens on the property *equal or exceed $25,000, or *one-third of the value, *whichever is greater.	*Chief, Asset Forfeiture and Money Laundering Section, Criminal Division
9-118.400	*Approval is required for the *placement of real property *into official use by any *federal agency.	*Attorney General
9-119.110	*Notification is required *within 10 working days of the *denial of a request for *expedited settlement made by a *financial institution in real *property cases.	*Asset Forfeiture and *Money Laundering *Section, Criminal *Division
9-119.202	*Prior approval to institute a *criminal or civil forfeiture *proceeding to forfeit an asset *transferred to an attorney as *fees for legal services.	*Assistant Attorney *General, Criminal *Division, through the *Asset Forfeiture and *Money Laundering *Section
9-119.202	*Prior approval to enter into a *formal or informal, written or *oral agreement to exempt an	*Assistant Attorney *General, Criminal *Division, through the
9-119.203	*asset transferred to an	*Asset Forfeiture and

	*attorney as fees for legal	*Money Laundering
	*services from forfeiture,	*Section
	*including the exemption of	*
	*certain assets to pay	*
	*attorneys' fees which are	*
	*restrained as substitute	*
	*assets.	*
9-131.030	*Consultation is required prior	*Organized Crime and
	*to criminal prosecution by	*Racketeering Section,
	*filing an information or	*Labor Management Unit,
	*complaint, or seeking an	*Criminal Division
	*indictment under 18 U.S.C. §	*
	*1951 (Hobbs Act) in cases	*
	*involving labor-management	*
	*disputes.	*

USAM SECTION	*TYPE & SCOPE OF REPORTING, *CONSULTING OR APPROVAL	* CONTACT *
9-138.030	*Consultation is required prior	*Organized Crime and
	*to instituting grand jury	*Racketeering Section,
	*proceedings, filing an	*Labor Management Unit,
	*information, or seeking an	*Criminal Division
	*indictment under either 29	*
	*U.S.C. § 504 or 29 U.S.C. §	*
	*1111.	*
9-138.040	*Consultation is recommended	*Organized Crime and
	*with respect to convicted	*Racketeering Section,
	*individuals who seek relief	*Labor Management Unit,
	*from the employment	*Criminal Division
	*disabilities at 29 U.S.C. § 504	*
	*(labor union positions	*
	*and labor relations	*
	*consultants) and 29 U.S.C. § 1111	*
	*(employee pension and	*
	*welfare benefit plan positions	*
	*and consultants) which are	*
	*imposed on individuals by	*
	*operation of statute	*
	*following sentencing.	*
9-139.103	*Consultation is required prior	*Organized Crime and
	*to initiating prosecution	*Racketeering Section,
	*under the Railway Labor Act.	*Labor Management Unit,
	*Consultation is recommended at	*Criminal Division
	*the investigative stage	*
	*because of the policy limiting	*
	*prosecution.	*